REMARKS

The Office Action dated May 10, 2007 has been received and its contents carefully noted. By the above actions, claims 46-96 are pending in the application. In order to better define that which Applicants regard as the invention, claims 1-45 have been cancelled and claims 46-96 have been added. No new matter has been added. Support for the amendments is provided in the original claims, Figures 1-7, and related text of the specification. In view of these actions and the following remarks, reconsideration of this application is now respectfully requested.

Claims 20 and 33 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter associated with the recited element "predefined plan." Claims 1-4, 8-11, 15-17, 18-19, 30-32, and 44-45 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. App. No. 2002/0036654 to Evans et al. ("Evans"). Claims 5, 12, 20-21, 24-27, 33-34, and 37-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans, in further view of U.S. Pat. App. No. 2002/0188635 to Larson ("Larson"). Claims 6-7, 13-14, 22-23, 28-29, 35-36, and 42-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans, in further view of Larson, and in further view of U.S. Pat. App. No. 2002/0147645 to Alao et al.

In view of the cancellation of claims 1-45, Applicants respectfully submit that the rejections have been rendered moot. The Applicants further submit that newly added claims 46-96 are allowable over Evans, Larson, and/or Alao, because the applied references fail to disclose, teach, or suggest each and every element of the claims.

For example, independent claims 46, 63, and 80 recite the storage of a plurality of aggregate creative forms associated with an aggregate creative in an advertising system and the selection of one of the plurality of aggregate creative forms with a corresponding selection of the aggregate creative by the advertising system. In particular, independent claims 46 and 80 recite the steps of: "storing the plurality of aggregate creative forms, the plurality of aggregate creative forms associated with the aggregate creative in the advertising system; and when the aggregate creative is

selected for transmission to users on an electronic network by the advertising system, selecting one of the plurality of stored aggregate creative forms associated with the aggregate creative, and retrieving the selected aggregate creative form for the transmission"   Similarly, claim 63 recites: "means for storing the plurality of aggregate creative forms, the plurality of aggregate creative forms associated with the aggregate creative in the advertising system; means for selecting one of the plurality of stored aggregate creative forms associated with the aggregate creative, when the aggregate creative is selected for transmission to users on an electronic network by the advertising system; and means for retrieving the selected aggregate creative form for transmission to users on an electronic network, when the aggregate creative is selected for the transmission to users on the electronic network by the advertising system."

The present specification states that "the present invention provides for the creation of multiple aggregate creative forms with different sets and/or orders of subcreatives." (Specification as filed, p. 8, lines 21-23; *see also* p. 12, line 24-p. 13, line 1.) As the present specification explains:

> With reference to Figure 6, the process 100 for serving creatives is shown to include the step of receiving a request to serve an ad (step 102) into an advertising system processor 26 from web server 34. . . . If the creative is an aggregate creative (step 106), an appropriate form of the aggregate creative is chosen (step 110) and is transmitted in accordance with the advertising system direction (step 108).   With reference to step 110, it will be understood that this step is a modification of most standard advertising systems in accordance with the present invention, adding a layer of abstraction beyond a standard advertising creative.

(Specification as filed, p. 13, lines 6-15.)

Evans fails to disclose storing a *plurality* of aggregate creative forms associated with an aggregate creative and selecting one of the *plurality* of stored aggregate creative forms when an advertising system chooses to transmit the aggregate creative.   Rather, the system of Evans is directed toward a user-driven process for creating a single layout of product references in a single advertisement (*See, e.g.*, Evans, paragraphs [0048] and [0051]-[0052].) For example, with reference to FIG. 3, Evans states:

> In step 302, advertising formats are displayed for the user. In step 304, the user selects an advertising format to sue. In step 306, at least one template corresponding to the selected advertising format may be displayed. In step 308, at least one product reference is displayed for the user. In step 310, the user selects at least one product reference. In step 312, the selected product reference may be displayed on the template. In step 314, a preview of the advertisement may be created for the user. In step 316, the user may review the preview, and, if satisfactory, may authorize the production of the advertisement. In step 318, the advertisement may be produced, in an electronic format, in a printed format, etc.

(Evans, paragraph [0048].) Steps 302 through 316 produce just <u>one</u> advertisement for subsequent production in step 318. Nowhere does Evans disclose that a plurality of advertisements are generated and stored as recited by the claims. Furthermore, steps 304, 310, and 316 require action and/or input from the user. A process which requires such manual interaction by the user is clearly more suitable for the generation of a single advertisement, rather than a plurality of advertisements. As such, the manual process of Evans teaches away from generating and storing a plurality of aggregate creative forms.

Citing paragraphs [0088] and [0095] of Evans, the Examiner asserts: "Each product being advertised has multiple product references from which the assistance layout program may choose. Since the program has multiple product references to choose from, it provides greater flexibility creating multiple advertisements." (Office Action, p. 4, lines 19-22.) Applicants respectfully submit that, contrary to the Examiner's assertion, Evans discloses nothing about creating multiple advertisements. Paragraphs [0088] and [0095] of Evans merely describe creating a single advertisement, where product references of different sizes are available for each product to facilitate the layout of product references in the single advertisement. (*See* Evans, paragraphs [0088] and [0095].) Indeed, multiple product references are employed in order to enable the creation of an <u>optimal</u>, i.e. single, advertisement according to a predefined set of priorities. (*See* Evans, paragraphs [0088] and [0095].)

The Examiner also asserts: ". . . it is inherently known if the Evans et al.'s method is capable of performing the functionality once, then it may generate the same functionality over again. Thus multiple computer-created advertisements have the functionality to be generated." (Office Action, p. 5, lines 2-6.) Assuming that the method of Evans is performed more than once to produce a plurality of advertisements as suggested by the Examiner, Evans is completely silent on how the plurality of advertisements should subsequently be handled. Evans fails to provide any such teaching, precisely because Evans does not even contemplate the use of more than one advertisement.

If anything, Evans suggests that each advertisement generated by the repeated execution of the method of Evans is delivered as soon as it is created, and is not intermediately stored as a part of a plurality of advertisements from which it may subsequently be selected for transmission. As Evans explains:

> . . . after completing the design of an advertisement, a user may cause the service provider's server to deliver information files electronically to a printer for printing and distribution.
>
> In another preferred embodiment, a user may specify the electronic delivery of a final or non-final advertisement to a target audience via e-mail or by posting it on one or more websites.

(Evans, paragraphs [0051]-[0052]; *see also* Evans, paragraph [0027].) Evans teaches that after the design of one advertisement, the single advertisement is directly delivered to a printer or to a target audience via e-mail or website posting. Even the Examiner explains that "the user has the ability to have the advertisement that was just created be transmitted to users via a printer, email, or posted on a web site." (Office Action, p. 5, lines 15-17, emphasis added.) This immediate delivery or transmission of the advertisement does not allow the advertisement to be stored in a plurality of advertisements as required by the claimed invention. In fact, the Examiner also explains that "the final advertisements may be stored on emails or websites" indicating that storage of the final advertisements occurs after transmission. (Office Action, p. 5, lines 13-14.)

Because Evans fails to disclose storing a plurality of final advertisements, Evans clearly cannot disclose making a selection from such a plurality of stored final advertisements. In particular, Evans cannot disclose storing a plurality of aggregate creative forms that are associated with an aggregate creative in an advertising system, or selecting one of the plurality of stored aggregate creative forms when the advertising system chooses to transmit the aggregate creative. Moreover, nowhere does Evans even suggest that a selection of an aggregate creative by an advertising system corresponds to a selection from a plurality of aggregate creative forms. As such, Evans fails to disclose, suggest, or teach each and every element of independent claims 46, 63, and 80.

Furthermore, neither Larson nor Alao cure the deficiencies of Evans. For example, Larson discloses a digital edition of a newspaper or magazine having a single set of individual advertisement images that are based on "existing display advertising, such as hard copy or other print-formatted copy" and that are combined in real time and "made 'live' when the linking HTML web page is uploaded." (Larson, paragraphs [0005], [0137], emphases added.) Meanwhile, Alao discloses an interactive television environment which displays a single list of advertisements that is selected in real time, i.e., when the server is ready to display the advertisements. (*See* Alao, paragraph [0146].) Because both Larson and Alao combine a single set of advertisements only at the time that they are supposed to be displayed, they do not disclose storing a plurality of creative aggregate forms or selecting an aggregate creative form from such a plurality, as recited by independent claims 46, 63, and 80.

Accordingly, Evans, Larson, and Alao, alone or in combination, fail to disclose, suggest, or teach each and every element of claims 46, 63, and 80. In addition, dependent claims 47-62, 64-79, and 81-96 are allowable at least for the reason of their dependency on allowable base claims 46, 63, and 80.

In light of the amendments to the claims and the remarks provided hereinabove, Applicants respectfully submit that the present application is now in condition for allowance. However, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through

discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that further prosecution of this application can thereby be expedited.

Respectfully submitted,

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